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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/022,132	02/11/1998	JOHANNES F.M. D'ACHARD	PHN-16.219	5325

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

COBURN, CORBETT B

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/022,132

Applicant(s)

D'ACHARD, JOHANNES F.M.

Examiner

Corbett B. Coburn

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Status of Appeal

1. On 29 December 2003, Applicant filed an appeal brief. This brief was defective and Applicant was so notified on 14 April 2004. Applicant submitted a supplemental appeal brief on 3 May 2004. This corrected brief was also defective. Since Applicant failed to correct the deficiencies noted in the 14 April 2004 action, the appeal stands dismissed.
2. Upon reviewing the entirety of the record, it appears that the position of the office is not entirely clear. In order to clarify the record, Examiner is reopening prosecution on the case.
3. In view of the Supplemental Appeal Brief filed on 3 May 2004, PROSECUTION IS HEREBY REOPENED. The grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Status of Amendments

4. On 29 December 2003, an amendment was filed with the Appeal Brief. This amendment is hereby entered and will be considered in the rejections below. Applicant should note, however, that the amendment was submitted in an improper format. Claim 5 should have been

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listed as cancelled. All future amendments must be compliant with current rules for amendments.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1-4 & 6-14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation, “wherein the image of the current high scoring player is displayed in a more prominent location than the images of others of the multiple players during the particular session of the video game” (entered on 2 March 2001) is not supported in the original specification. This is new matter and must be deleted. Alternatively, Applicant should point to clear support of the claimed scope within the boundaries of the originally filed specification.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-4, 6-8, 10-12 & 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick (US Patent Number 4,521,014) in view of Breslow et al. (US Patent Number 4,710,873).

Claims 1, 6, 10: Sitrick teaches a method for operating a multi-player video game.

(Abstract) Each player of multiple players may interact with a gaming environment. The machine detects a score and/or performance of each player in a particular session of the video game. (Col 8, 18-22) Sitrick teaches backfeeding into the gaming environment a video image of all players, which would include the currently high-scoring player. The game displays the gaming environment, and the video image of the currently high-scoring player of the multiple players – all images are displayed. There is a camera (200) configured to provide the video image of each player.

Sitrick does not teach that the image of the currently high scoring player is displayed in a more prominent location than the images of others of the multiple players during the particular session of the video game. Sitrick and Breslow collectively describe the use of a player's visual image to represent the player within the presentation of a game as an interactive enhancement feature that makes the game more personal and exciting. The teaching of these benefits would have provided the artisan with ample suggestion or motivation to utilize the visual images of the players in Sitrick's multi-player game as, for example, playing objects controlled by the respective players. This incorporation of the players' video images into the game would necessarily result in the backfeed and display of the video image of the "currently high-scoring player," whomever that might be, within the gaming environment in a prominent location during

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the particular session of the game, and thus responds to the "currently high—scoring player" limitations recited in claims 1 and 6.

Claims 2, 7, 11: Breslow teaches ranking high-scoring players in respectively successive playing sessions, and providing a representation of one or more of the high-ranking players for display in subsequent playing sessions, based on the ranking. (Abstract) The performance of a function implies means for carrying out that function. Thus there is a ranking means and a control means.

Claims 3, 8, 12: Sitrick teaches that the video image of select players of the multiple players is selectively cross-wise fed back to the multiple players. (Col 1, 39-41) The performance of a function implies means for carrying out that function. Thus there is a cross-wise communication means.

Claims 4, 14: Sitrick teaches that the video image of select players of the multiple players is made part of a composite image with one or more selected items taken from memory. (Abstract)

9. Claims 9 & 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitrick & Breslow as applied to claim 1 or 12 above, and further in view of Weiss (US Patent Number 5,821,983) or Hogan et al. (US Patent Number 5,657,246).

Claims 9 & 13: Sitrick & Breslow teach the invention substantially as claimed, but do not teach allowing the player to suppress during the session a presentation of the actual score, performance and/or video image to the backfeeding. Applicant discloses that on page 2, lines 20-21 of the instant specification that the backfeeding feature could be accomplished or "realized" through "answering a system question by a keyboard

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command". Hogan achieves this function of "suppressing" information from others in a video conferencing system by sending data to some participants and excluding others by the entry of a command on the part of the user. Applicant has not provided any specific disclosure of how the suppression and backfeeding features are accomplished in a novel way. Further Weiss teaches the suppression of video image data (Weiss- col. 6, lines 30-55 and cal. 8, lines 52-56). A player's score/performance is merely data. Thus the system of Weiss could have been implemented in the Sitrick/Breslow system in order to suppress score/performance data as well. The suppression of information through the response of questions is well known in the art. For instance if a person wants to suppress information on a survey, advertisement request, etc. the person need only neglect to enter the information. This is true in video gaming as well, whereby the player can choose whether or not to enter his/her name or initials to be broadcast with their score. This protects the privacy of the player. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to include the suppression feature of Hogan et al or Weiss in the invention of Sitrick and Breslow in order to protect the privacy of the player.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (703) 305-3319. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

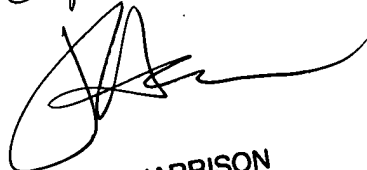
If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Jessica Harrison can be reached on (703) 308-2217. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Re-opening
Approved

JESSICA HARRISON
PRIMARY EXAMINER
Acting SPE Au3213